

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PROCOM SUPPLY, LLC,

Plaintiff,

DOCKET NO.

1:15-mc-00416-UA

-against-

MECHEL LANGNER, et al.,

**PLAINTIFF'S RESPONSE TO
LETTER FILED BY
BENJAMIN LIEBERMAN**

Defendants.

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Plaintiff Procom Supply, LLC ("Procom"), through Anthony L. Leffert of Robinson, Waters & O'Dorisio, P.C., hereby responds to the Letter (Doc. 2) filed in this action by attorney Benjamin J. Lieberman, and states and alleges the following:

1. It is unclear why Mr. Lieberman has filed this Letter with the Court, however, now that it has been filed, it is important to advise the Court that the Letter contains misstatements of fact.

2. Following the deposition of Abraham Bergman, Mr. Lieberman requested that undersigned counsel send a copy of the deposition transcript to him so that it could be reviewed and so that Mr. Bergman could have a copy. Undersigned counsel explained that that would be unfair to the court reporter and suggested that if he wished to have a copy he should request one from the court reporter. Moreover, relating to the issue of review and execution by the witness, undersigned counsel explained to Mr. Lieberman that the way the process works is that the deponent, or the deponent's counsel, makes arrangements with the court reporter directly to review and sign the deposition. At no time did undersigned counsel refuse to allow the witness to read and sign the deposition or indicate that there was no authority to support such a request.

F.R.C.P. 30(e) provides that the deponent has thirty (30) days after being notified by the officer (court reporter) that the transcript is available in which to review and make changes to the transcript. Following the deposition and in subsequent e-mails, undersigned counsel has tried to explain to Mr. Lieberman that the process to be followed is for him or his client to contact the court reporter and request an opportunity to review and sign the deposition. Undersigned counsel has no involvement in this review.

Dated: Denver, Colorado
June 1, 2015

ROBINSON, WATERS & O'DORISIO, P.C.

s/ Anthony L. Leffert

Anthony L. Leffert, (ALL 2375)

1099 18th Street, Suite 2600

Denver, Colorado 80202

Telephone: (303) 297-2600

Facsimile: (303) 297-2750

Attorneys for Plaintiff Procom Supply, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2015, a true and correct copy of the foregoing was delivered via ECF, addressed to the following:

Benjamin J. Lieberman
LIEBERMAN LAW FIRM
1419 Coney Island Avenue
Brooklyn, NY 11230

s/Elizabeth Garfield